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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,644

02/19/2004

Takashi Yoshii

388-040368

4110

28289

7590

11/03/2006

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EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/782,644	Applicant(s) YOSHII ET AL.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/077,587.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US 5,248,237).

Re claim 1, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, one of a front loader (not numbered) and/or a backhoe 40 being attachable to a front and a rear of the tractor 1 respectively as supported by the vehicle frame, said tractor 1 comprising:

a reinforcing frame unit 4,6 for reinforcing said vehicle frame; and

reinforcing frame connecting portions 21,20,26,12,6,28, etc., connecting said reinforcing frame unit 4,6 to said vehicle frame;

wherein

said reinforcing frame unit 4,6 includes elongate reinforcing frames 4,6 extending along outer faces of said elongate frame members 1, respectively;

said elongate frame members 1 have front loader post support members 20 projecting laterally outwardly of longitudinally intermediate portions thereof; and

one of said reinforcing frame connecting portions 28,6,30,31 is formed at a connection between a rear end region of each of said reinforcing frames and in a rear end region of each of said elongate frame members in positions spaced horizontally from said rear axle connecting members (not numbered), and another of said reinforcing frame connecting portions 21,etc. is formed at a connection between a forward end region of each of said reinforcing frames and each of said front loader post support members 20.

Re claim 2, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, a backhoe 40 attachable to a rear of the tractor 1, as supported by the vehicle frame, said tractor 1 comprising:

a reinforcing frame unit 4,6 for reinforcing said vehicle frame; and

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reinforcing frame connecting portions 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6 to said vehicle frame;

wherein:

said reinforcing frame unit 4,6 includes elongate reinforcing frames 4,6 extending along outer faces of said elongate frame members 1, respectively;

said reinforcing frame connecting portions 6,28,30,31, etc., are formed at a connection between a rear end region of each of said reinforcing frames and in a rear end region of each of said elongate frame members in positions spaced horizontally from said rear axle connecting members; and

said reinforcing frames 4,6 are connected to said rear axle unit in positions spaced from said rear axle connecting members.

Re claim 3, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, a backhoe 40 attachable to a front and a rear of the tractor 1 as supported by the vehicle frame, said tractor 1 comprising:

a reinforcing frame unit 4,6 for reinforcing said vehicle frame; and

reinforcing frame connecting members 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6 to said vehicle frame;

wherein:

said reinforcing frame unit 4,6 includes a cross frame (6,28,30,31,etc.) interconnecting rear end regions of said elongate frame members, said cross frame being positioned behind said rear axle connecting members and spaced horizontally from said rear axle connecting members.

Re claim 4, Nakamura teaches said reinforcing frame unit 4,6 includes a first cross frame (6,28,30,31,etc.) interconnecting rear end regions of said elongate frame members 1 in positions spaced horizontally from and rearwardly of said rear axle connecting members; and a second cross frame (20,21,8,etc.) interconnecting longitudinally intermediate regions of said elongate frame members in positions spaced horizontally from and forwardly of said rear axle connecting members.

Re claim 5, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, one of a front loader (not

numbered) and/or a backhoe 40 being attachable to a front and a rear of the tractor 1 as supported by the vehicle frame, said tractor 1 comprising:

a reinforcing frame unit 4,6,26,12 for reinforcing said vehicle frame; and  
reinforcing frame connecting members 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6,26,12 to said vehicle frame;

wherein:

said reinforcing frame unit 4,6,26,12 includes a pair of elongate reinforcing frames 4,6 extending along outer faces of said elongate frame members 1, respectively;

one end of said reinforcing frames 4,6 is connected to a rear end region of the elongate frame members in positions spaced horizontally from said rear axle connecting members; and the other end of said reinforcing frames 12,26 is connected to a front end region of said elongate frame members located forwardly of engine supporting portions 7 of the elongate frame members.

Re claim 6, Nakamura teaches said reinforcing frames 4,6 have backhoe attaching members 29 formed at rear ends thereof.

Re claim 7, Nakamura teaches a front loader is attachable to a front of the tractor 1 as supported by the vehicle frame 1;  
said elongate frame members (sides of 1) have front loader post support members 20,21 projecting laterally outwardly of longitudinally intermediate portions thereof;  
one of said reinforcing frame connecting portions (6,28,30,31,etc.) is formed at a connection between the rear end region of each of said reinforcing frames 4,6 and the rear end region of each of said elongate frame members 1 in positions spaced

horizontally from said rear axle connecting members, and another of said reinforcing frame connecting portions (20,21,etc.) is formed at a connection between a forward end region of each of said reinforcing frames and each of said front loader post support members 20,21; and

said reinforcing frames 4,6 are connected to said rear axle unit in longitudinally intermediate positions thereof spaced laterally outwardly from said rear axle connecting members.

### ***Conclusion***

Applicant's arguments filed 8/8/06 have been fully considered but they are not persuasive.

Applicant argued that Nakamura has no elongate frame members. However, Nakamura does have elongate frame members 1 (the sidewalls of the vehicle 1 are frame members).

Applicant argued that the reinforcing frames do not extend to the forward end of the vehicle beyond the engine. However, as shown in figure 2, reinforcing frames 26 do extend to the forward end of the vehicle beyond the engine.

Applicant argued that reinforcing frames 4A,4B are not connected to the rear end portion of the frame. However, reinforcing frames 4A,4B are connected to the rear end portion of the frame thru items 6 & 28 which is all the actual claim language requires.

Applicant argued that Nakamura does not have a cross frame located behind the rear axle area. However, as already stated above, the rear sidewall of the frame of the vehicle (see figure 2, next to item number 28) is a frame cross member.



**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

msl



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